

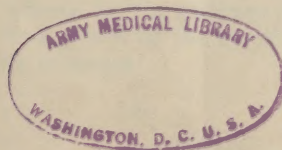
# 1276

State of California

# Dental Practice Act



STATE OF CALIFORNIA  
DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS  
BOARD OF DENTAL EXAMINERS  
PERCY C. HECKENDORF, DIRECTOR



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# DENTAL PRACTICE ACT

## Article 1. Administration

1600. This chapter constitutes the chapter on dentistry of the Business and Professions Code. It may be known and cited as the Dental Practice Act.

Whenever a reference is made to the Dental Practice Act by the provisions of any statute, it shall be construed as referring to the provisions of this chapter.

1601. There is in the Department of Professional and Vocational Standards a Board of Dental Examiners of California in which the administration of this chapter is vested. The board consists of seven practicing dentists.

1602. All of the members of the board shall have been actively and legally engaged in the practice of dentistry in the State of California, for at least five years next preceding the date of their appointment, and none of them shall be a member of the faculty of any dental college or dental department of any medical college in the State of California, or shall have any financial interest in any such college.

1603. Members of the board shall be appointed by the Governor for a term of four years and shall hold office until the appointment and qualification of their successors.

The terms of the members of the board in office when this chapter takes effect shall expire as follows: Two members, January 15, 1938; one member, January 15, 1939; two members, January 15, 1940; and two members, January 15, 1941. The terms shall expire in the same relative order as to each member as the term for which he holds office before this chapter takes effect.

Vacancies shall be filled by appointment for the unexpired term, within 30 days after each occurs.

1604. Each member of the board, upon his qualification, shall file with the secretary his post-office address, and thereafter any notice of any change thereof. Any notice mailed to the address so on file, shall be deemed to comply with the requirements of this chapter as to notice to such member of the board.

1605. The Governor has power to remove from office at any time any member of the board for continued neglect of duty required by this chapter or for incompetency or unprofessional or dishonorable conduct.

1606. The board shall elect a president, a vice president and a secretary from its membership. This section controls over the provisions of Section 107 of this code with respect to the selection of officers.

1607. The board shall meet regularly once each year in San Francisco and once each year in Los Angeles within 30 days after the commencement of the dental schools for the purpose of examining applicants, and at such other times and places as the board may designate, for the purpose of transacting its business.



1608. Special meetings may be held at such times as the board may elect, or on the call of the president of the board, or of not less than four members thereof. A written notice of the time, place and object of such special meeting shall be mailed by the secretary to all the members not parties to the call, at least 15 days before the day of the meeting.

1609. Meetings may be held at any time and place and without notice by unanimous consent evidenced either by writing or by the presence of any member whose consent is necessary.

1610. Four members of the board shall constitute a quorum for the transaction of business at any meeting.

1611. The board shall carry out the purposes and enforce the provisions of this chapter. It shall examine all applicants for a license to practice dentistry according to the provisions of this chapter and shall issue licenses to practice dentistry in this State to such applicants as successfully pass the examination of the board and otherwise comply with the provisions of this chapter. The board shall collect and apply all fees as directed by this chapter.

1612. The board shall keep a book showing the names of all persons to whom licenses have been granted by it to practice dentistry, and such other books as may be necessary to show plainly all of its acts and proceedings.

1613. The board shall have and use a seal bearing the name "Board of Dental Examiners of California."

1614. The board may adopt rules concerning its meetings and the holding of examinations and the manner of issuance and reissuance of licenses not inconsistent with the provisions of this chapter.

1615. Each member of the board shall receive a per diem of ten dollars (\$10) as compensation for each day spent in actual attendance at meetings of the board and at committee meetings of the members of the board, when such meetings are especially authorized by the board or its president, and for each day actually spent performing necessary work in connection with the enforcement of this chapter.

The secretary shall receive such compensation as may be fixed by the board, with the approval of the Director of Finance, which shall be in addition to his per diem as a member of the board. He shall be entitled to traveling and other expenses necessary in the performance of his duties.

1616. The board shall have full power to employ all necessary clerical and other assistants and appoint its own attorney, prescribe his duties and fix his compensation. Members and employees of the board shall be entitled to other necessary traveling expenses.

1617. All books of the board shall be public records and at all times during business hours shall be open to public inspection. A copy of any part or all thereof duly certified by the secretary shall be primary evidence in any court of this State.

1618. The original books, records and papers of the board shall be kept at the office of the secretary, which shall be at such place as may be designated by the board.

The secretary shall furnish to any person making application therefor a copy of any part thereof, certified by him as secretary, upon payment of a fee of twenty-five cents (\$0.25) per hundred words so copied. The fee shall be deposited in the State treasury to the credit of the board.

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1619. The examination papers of any applicant shall be kept for the period of one year and may then be destroyed, but they shall be open to inspection only by members of the board and by the applicant or by someone appointed by the latter to inspect them, or by a court of competent jurisdiction in a proceeding where the question of the contents of the papers is properly involved.

1620. The board shall make an annual report of its proceedings to the Governor by the fifteenth day of December of each year, together with an account of all moneys received and disbursed by it, under this chapter.

## Article 2. Admission and Practice

1625. A person practices dentistry within the meaning of this chapter who does any one or more of the following:

(a) By card, circular, pamphlet, newspaper or in any other way advertises himself or represents himself to be a dentist.

(b) Performs, or offers to perform, an operation or diagnosis of any kind, or treats diseases or lesions of the human teeth, alveolar process, gums or jaws, or corrects malposed positions thereof.

(c) In any way indicates that he will perform by himself or his agents or servants any operation upon the human teeth, alveolar process, gums or jaws, or in any way indicates that he will construct, alter, repair or sell any bridge, crown, denture or other prosthetic appliance or orthodontic appliance.

(d) Makes, or offers to make, an examination of, with the intent to perform or cause to be performed any operation on, the human teeth, alveolar process, gums or jaws.

(e) Manages or conducts as manager, proprietor, conductor, lessor, or otherwise, a place where dental operations are performed.

1626. The following practices, acts and operations, however, are exempt from the operation of this chapter:

(a) The practice of oral surgery by a physician and surgeon licensed under the Medical Practice Act.

(b) The operations by bona fide students of dentistry or dental hygiene in the clinical departments or the laboratory of a reputable dental college approved by the Board of Dental Examiners.

(c) The practice of dentistry by licensed dentists of other States or countries while appearing and operating as bona fide clinicians or instructors in dental colleges approved by the Board of Dental Examiners.

(d) The practice of dentistry by licensed dentists of other States or countries in conducting or making a clinical demonstration before any bona fide dental or medical society, association or convention; provided, however, the consent of the Board of Dental Examiners to the making and conducting of such clinical demonstration must be first had and obtained.

(e) The construction, making, alteration or repairing of bridges, crowns, dentures, or other prosthetic appliances or orthodontic appliances when the casts or impressions for this work have been made or taken by a licensed dentist, but a written authorization signed by a licensed dentist shall accompany the order for the work or it shall be performed in the office of a licensed dentist under his supervision. The



burden of proving written authorization or direct supervision is upon the person charged with the violation of this chapter.

(f) The manufacture or sale of wholesale dental supplies.

1627. It is unlawful for any person to engage in the practice of dentistry in the State of California unless he has obtained a license from the board.

The license of any dentist, existing at the time of the passage of this chapter shall continue in force until forfeited in the manner provided in this chapter.

1628. Any person over 21 years of age who has not three times previously failed examinations of the board is eligible to take an examination before the board upon making application therefor and :

(a) Paying the fee for applicants for examination provided by this chapter, which shall not be refunded except that applicants, who are found ineligible to take the examination, are entitled to a refund ;

(b) Furnishing satisfactory testimonials of good moral character ;

(c) Furnishing satisfactory evidence of having graduated from a reputable dental college, which shall have been approved by the board ; provided, also, that applicants furnishing evidence of having graduated after 1921 shall also present satisfactory evidence of having not less than four years attendance at such a reputable dental school or schools.

1628a. Applicants for said examination who have previously failed in three examinations shall, in addition to the qualifications set forth in Section 1628, as a condition of eligibility to take further examinations furnish to the board satisfactory evidence of having an additional year's graduate work at a reputable dental college approved by the board, in subjects approved by the board, and which year of additional instruction shall have been since the time of failing in the third examination.

1629. Any member of the board may inquire of any applicant for examination concerning his character, qualifications or experience and may take testimony of anyone in regard thereto, under oath, which he is hereby empowered to administer.

1630. The examination by the board of applicants for a license to practice dentistry in this State shall be sufficiently thorough to test the fitness of the applicant to practice dentistry, and both questions and answers shall be written in the English language.

1631. The subjects in which the applicant shall be examined shall be such subjects as the board may from time to time prescribe ; provided, however, that the subjects of examination shall be selected in accordance with the trend of dental education in California as that trend is determined, from time to time by the curricula of the dental colleges in California approved by the Board of Dental Examiners, and that no examination shall be given on any subject which is not then, at the time of such determination, being currently taught in such approved dental colleges. In the event of any changes in the list of examination subjects, all approved dental schools in the United States shall be notified, by the secretary of the board, at least two years in advance of the effective date of such change or changes in subjects. Each applicant, at the time of filing of application to take any examination hereunder, shall be given a list of the subjects of the examination for which he is making application.

1632. The applicant shall give demonstrations of his skill in operative prosthetic dentistry and his written examination may be supplemented by an oral examination.

1633. When an applicant for a license has received a grading of 85 per cent or above in any given subject, he shall be exempt from reexamination on that subject in subsequent examinations before the board held at the first or second meeting thereafter.

1634. All persons successfully passing the examination shall be registered as licensed dentists on the board register, as provided in Section 1612 and shall be granted by the board a license to practice dentistry in the State of California.

1635. Subject to other provisions of this chapter, the license shall remain in force until the annual license fee becomes due and thereafter so long as the holder pays the annual fee but not otherwise.

### Article 3. Registration

1650. Every person who is now or hereafter licensed to practice dentistry in this State shall, prior to January 1, 1940, register, on forms prescribed by the board, his place of practice with the secretary of the State Board of Dental Examiners, or, if he has more than one place of practice, all of said places of practice, or, if he has no place of practice, to so notify the secretary of the board. A person licensed by the board after January 1, 1940, shall register with the secretary within 30 days after the date of his license.

1651. Thereafter any dentist who removes his place of practice shall register each change made by him within one month after making said change. When any licentiate hereunder desires to have more than one place of practice, he shall, prior to the opening of any additional office, make application therefor to the State Board of Dental Examiners on a form prescribed by the board and receive permission in writing from said board to have such additional place of practice. The board shall have power to carry out the provisions of this section by uniform rules and regulations.

1652. Registration shall be made in a register kept by the secretary for these purposes, which register shall be alphabetically arranged and shall show the name of the person registered as shown by his license, his age, each office address, the date and number of his license to practice dentistry and the date of such registration.

The person licensed need not appear in person before the secretary for the purpose of registering a license, but registration may be made on forms sent by the secretary to the licensee.

1653. The secretary shall issue a certificate of registration for each licentiate hereunder and for each office registered by such licentiate. The license and certificate may be offered as primary evidence in all courts of the facts therein stated.

1654. Any licensed person who shall change his name according to law shall, prior to such change, notify the secretary of the board, and after said change shall reregister with the secretary and the secretary shall make a marginal note of the former name of the licentiate.

1655. Any failure on the part of any person holding such license to register it as directed for a period of six months after its issuance



shall ipso facto work a forfeiture of his license, and it shall not be restored except upon the written application and payment to the board of the fee provided for restoration of license.

#### Article 4. Suspension and Revocation of Licenses

1670. *Any dentist may have his license revoked or suspended by the board for unprofessional conduct or for gross ignorance or inefficiency in his profession, or for any other cause provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.*

1674. *If the board finds the charges or any of them true, it may make an order reprimanding the accused, or placing him on probation, or revoking his license, or suspending it.*

1678. Upon the revocation of any license, the fact shall be noted upon the records of the board and the license shall be marked as canceled upon the date of its revocation. Written notice of the suspension or revocation shall be mailed by the secretary of the board to the county clerk of each county in which the license is then registered.

1679. Any dentist may have his license revoked or suspended by the board for any of the following causes:

(a) His conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction or a certified copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence.

(b) The rendition of a final judgment against any such dentist in a court of competent jurisdiction upon a cause of action alleging grossly unskillful or negligent dental practice.

The board shall undertake proceedings under this section upon the receipt of a certified copy of the final judgment or the receipt of a certified copy of the record of conviction.

1680. Unprofessional conduct is defined to be any one of the following:

(1) The employment of persons known as cappers or steerers, to obtain business.

(2) The obtaining of any fee by fraud or misrepresentation.

(3) The wilful betrayal of professional secrets.

(4) The employment directly or indirectly of any student or suspended or unlicensed dentist to practice dentistry as defined in this chapter.

(5) The aiding or abetting of any unlicensed person to practice dentistry.

(6) The aiding or abetting of a licensed person to practice dentistry unlawfully.

(7) Habitual intemperance.

(8) Gross immorality.

(9) The use of any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise, or any name other than the name under which he is licensed to practice, in advertising or in any other manner indicating that he is practicing or will practice dentistry.



(10) The practicing or accepting or receiving any commission or the rebating in any form or manner on fees for professional services, radiograms, prescriptions or other services or articles supplied to patients.

(11) The making use of any advertising statements of a character tending to deceive or mislead the public.

(12) The advertising of professional superiority or the performance of professional services in a superior manner.

(13) The advertising of definite or fixed prices for professional services.

(14) The use of advertising containing as a part thereof the representation of a tooth, teeth, bridge work or any portion of the human head.

(15) The employing or the making use of solicitors.

(16) The advertising of any free dental work, or free examination.

(17) The advertising to guarantee any dental service, or to perform any dental operation painlessly.

#### Article 5. Offenses Against This Chapter

1700. Any person, company or association is guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not less than 10 days nor more than one year or by a fine of not less than one hundred dollars (\$100), nor more than one thousand five hundred dollars (\$1,500), or by both such fine and imprisonment, who:

(a) Assumes the degree of "Doctor of Dental Surgery," "Doctor of Dental Science," or "Doctor of Dental Medicine" or appends the letters "D.D.S.," or "D.D.Sc." or "D.M.D." to his name without having had the right to assume the title conferred upon him by diploma from a recognized dental college or school legally empowered to confer the same.

(b) Assumes any title, or appends any letters to his name, with the intent to represent falsely that he has received a dental degree or license.

(c) Engages in the practice of dentistry without causing to be displayed in a conspicuous place in his office the name of each and every person employed there in the practice of dentistry.

(d) Within 10 days after demand is made by the secretary of the board, fails to furnish to the board the name and address of all persons practicing or assisting in the practice of dentistry in the office of the person, company or association, at any time within 60 days prior to the demand, together with a sworn statement showing under and by what license or authority this person, company or association and any employees are or have been practicing dentistry. This sworn statement shall not be used in any prosecution under this section.

1701. Any person is for the first offense guilty of a misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100) or more than one thousand five hundred dollars (\$1,500), or by imprisonment in the county jail for not to exceed six months, or both, and for the second or subsequent offense is guilty of a felony and upon conviction thereof shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment in the State prison for a term of not less

than one year nor more than three years, or by both such fine and imprisonment, who:

(a) Sells or barter or offers to sell or barter any dental degree or any license or transcript made or purporting to be made pursuant to the laws regulating the license and registration of dentist.

(b) Purchases or procures by barter any such diploma, license or transcript with intent that the same shall be used in evidence of the holder's qualification to practice dentistry, or in fraud of the laws regulating such practice.

(c) With fraudulent intent, makes or attempts to make, counterfeits or alters in a material regard any such diploma, certificate or transcript.

(d) Uses, attempts or causes to be used, any such diploma, certificate or transcript which has been purchased, fraudulently issued, counterfeited or materially altered, either as a license to practice dentistry, or in order to procure registration as a dentist.

(e) In an affidavit, required of an applicant for examination, license or registration under this chapter, wilfully makes a false statement in a material regard.

(f) Practices dentistry or offers to practice dentistry as it is defined in this chapter, either without a license, or when his license has been revoked or suspended.

(g) Under any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise, or any name other than the name under which he is licensed, practices, advertises or in any other manner indicates that he is practicing or will practice dentistry.

1702. Nothing in this article shall prohibit the conferring of degrees and the bestowing of diplomas by reputable dental colleges of this State which have been approved by the board.

1703. The board or any member or officer thereof, may prefer a complaint for violation of this chapter, or any part thereof, before any court of competent jurisdiction, and may by its officers, counsel and agents, assist in presenting the law or facts at the trial. The district attorney of each county in this State shall prosecute all violations of this chapter in their respective counties in which the violations occur.

1704. Any inspector of the board who has been duly appointed and sworn, when acting under the direction of the board or an officer thereof in the performance of his duties as an inspector, has all powers and authority of a peace officer of the State of California.

1705. In addition to the other proceedings provided for in this chapter, the superior court of any county, on application of the board, shall issue an injunction to restrain any unlicensed person from carrying on or conducting the practice of dentistry as defined in this chapter.

## Article 6. Fees

1715. To provide a fund for the enforcement of the provisions of this chapter every person holding a license to practice dentistry in this State, without exception, shall pay an annual license fee for the year commencing with the first day of May next following the issuance of his license and annually thereafter.



1716. Nothing contained in this chapter shall exempt from the payment of the annual fee any person authorized to practice dentistry in the State of California, and every person practicing dentistry in this State shall pay the annual fee irrespective of the time when he was licensed or first had the right to lawfully practice dentistry in this State or elsewhere.

1717. To be effective, the payment shall be made prior to the commencement of the year for which the fee accrues and the receipt of the secretary shall be indispensable evidence that payment has been made.

1718. The failure of any person who was a regularly licensed dentist to pay the annual fee in advance during the time his license remained in force shall ipso facto work a forfeiture of his license. It shall not be restored except upon a written application therefor and the payment of the fee prescribed by this chapter. Such person shall not be required to submit to any examination.

1719. Upon collection by the proper officer of the court, 75 per cent of the fines or forfeitures of bail in any case in which any person is charged with a violation of the provisions of this chapter shall be paid to the secretary of the board and the balance, or 25 per cent of the fines or forfeitures of bail, shall be paid to the county where the action is tried.

1720. The secretary shall on or before the tenth day of each month pay to the State Treasury and report to the State Controller all fines, penalties and forfeitures received for violations of this chapter, together with all examination fees, renewal and license fees received by him prior to the date of such report and payment.

1721. All funds received by the State Treasurer under the authority of this chapter shall be placed in the State Dentistry Fund. All disbursements by the board made in the transaction of its business and in the enforcement of this chapter shall be paid out of the fund upon claims against the State.

1722. The amount of seven hundred dollars (\$700) of the fund shall constitute a revolving fund and may be drawn upon the warrant of the president and secretary of the board without being audited in the usual manner, in cases of emergency or where cash advances are necessary, but after the sum of seven hundred dollars (\$700) has been so expended no further warrant shall be drawn on the revolving fund until expenditures previously made from it shall be substantiated by vouchers and itemized statements and audited. All expenditures from the revolving fund shall at the end of each fiscal year, or at any other time when demand therefor is made by the Board of Control or by the State Controller, be so substantiated and audited unless previously done.

1723. All fines, penalties and forfeitures including the examination fee imposed or collected by the board under any provision of this chapter shall be paid to the secretary.

The amount of charges and fees for dentists prescribed by this chapter is that fixed by the following schedule:

(a) The fee for applicants for examination presenting credentials of graduation from dental schools in California is twenty-five dollars (\$25).

(b) The fee for applicants for examination presenting credentials of graduation from dental schools other than those in California is fifty dollars (\$50).

(c) The annual license fee is five dollars (\$5) but the board may reduce the fee to not less than three dollars (\$3).

(d) The restoration fee for a license forfeited for the nonpayment of the annual fee is ten dollars (\$10).

(e) The restoration fee for a license forfeited for nonregistration is twenty-five dollars (\$25).

### Article 7. Dental Hygienists

1740. Any person over the age provided in this article is eligible to take an examination before the Board of Dental Examiners as a dental hygienist upon making application for one.

1741. Preliminary to examination by the Board of Dental Examiners, a dental hygienist shall comply with all the requirements of this article.

He shall pay the fee required by law, which shall not be refunded, and shall present evidence of graduation or certification in a course or curricula in dental hygiene from a legally incorporated dental college, dental infirmary, or any other institution of equal standing which maintains a course of instruction for dental hygienists equivalent in all respects to similar courses of instruction maintained in the University of California.

1742. He shall present evidence, also, that he is at least 18 years of age and of good moral character and that he has complied with and fulfilled the preliminary and professional requirements of this chapter.

1743. Upon satisfactory evidence of compliance with the preliminary requirements, the Board of Dental Examiners shall give the applicant a thorough examination in the following subjects: Elements of inorganic chemistry, physiology, anatomy, bacteriology, anesthesia, radiography, materia medica, dental histology, principles of nursing and hygiene; and a practical examination in the removal of deposits from and the polishing of the exposed surfaces of the teeth.

1744. After satisfactorily passing the examination, the applicant shall obtain a license as a dental hygienist from the Board of Dental Examiners and shall be registered as one by it.

The license shall remain in force until the annual license fee becomes due and thereafter so long as he complies with the provisions of this article relating to the annual fee, but not otherwise.

1745. *But notwithstanding the payment of the fee, however, the license may at any time be forfeited or revoked for a violation of any provisions of this chapter that are applicable to dental hygienists. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.*

1746. Any licensed dentist, public institution or school authority may employ a licensed and registered dental hygienist, who may remove lime deposits, accretions and stains from the exposed surface of the teeth, but shall not perform any other operation on the teeth or tissues of the mouth. He may operate in the office of any licensed dentist or in any public institution or in the schools under the general direction or supervision of a licensed dentist. But nothing in this article shall



be construed as authorizing any dental hygienist to perform any operation in the mouth without supervision.

1747. *The Board of Dental Examiners may revoke or suspend the license of any licensed dentist who shall permit any dental hygienist operating under his supervision to perform any operation other than that permitted under the provisions of this article, and the board may also revoke or suspend a license of any dental hygienist violating the provisions of this article. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.*

1748. Every person licensed to practice as a dental hygienist in this State shall comply with all of the provisions of this chapter providing for the registration of practicing dentists, except that a separate book shall be kept by the secretary of the Board of Dental Examiners for the registration of dental hygienists and except that the fee for the restoration of a license shall be the sum provided by this article.

1749. To provide a fund for the enforcement of the provisions of this article, every person holding a license as a dental hygienist in this State, without exception, shall pay an annual license fee for the year commencing with the first day of May next following the issuance of his license and annually thereafter.

1750. The payment to be effective shall be made prior to the commencement of the year for which the fee accrues and the receipt of the secretary shall be indispensable evidence that the same has been made.

1751. The failure of any person who was a regularly licensed and registered hygienist to pay the annual fee in advance during the time his license remained in force shall ipso facto work a forfeiture of the license and it shall not be restored except upon a written application and the payment of the fee provided by law. Such person shall not be required to submit to any examination.

1752. The amount of charges and fees for dental hygienists prescribed by this article is that fixed by the following schedule:

(a) The fee for applicants for examination for a license is twenty-five dollars (\$25).

(b) The annual license fee is two dollars (\$2).

(c) The restoration fee for a license forfeited for the nonpayment of the annual fee is five dollars (\$5).

(d) The restoration fee for a license forfeited for nonregistration is five dollars (\$5).

NOTE.—Sections 1671, 1672, 1673, 1675, 1676 and 1677 of the Dental Practice Act, Repealed by Chapter 897, Statutes 1945.

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